

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

M.G., et al.,

Plaintiffs,

V.

CRISFIELD, et al.,

Defendants.

Civil No. 06-5099 (FLW)

ORDER

This matter having been opened to the Court by Defendants on a motion to dismiss Plaintiffs’ state-law based Thorough and Efficient Clause, Law Against Discrimination, and education-related statutory and regulatory claims (“Education Law Claims”) based on the New Jersey Commissioner of Education’s primary subject matter jurisdiction over those claims; it appearing that this matter was referred to the Honorable Lois H. Goodman, U.S.M.J., pursuant to 28 U.S.C. § 636(b)(1), for a Report and Recommendation; it appearing that on August 25, 2009, Judge Goodman heard oral argument on the motion; it appearing that on September 11, 2009, Judge Goodman denied in part Plaintiffs’ motion for leave to amend, specifically denying Plaintiffs leave to add the Education Law Claims; it appearing that on September 11, 2009, Judge Goodman for the reasons stated in her Report and Recommendation, found that deference to the Commissioner of Education’s primary subject matter jurisdiction would result in a significant duplication of effort and waste of judicial resources, and recommends to this Court that the motion to dismiss should be denied with respect to the Thorough and Efficient Clause and Law Against Discrimination claims; it further appearing that for the reasons stated in her Report and Recommendation, Judge Goodman found that

the motion to dismiss the Education Law Claims is moot because Plaintiffs' prior motion for leave to amend to assert these claims was denied; it further appearing that neither party has since objected to Judge Goodman's Report and Recommendation pursuant to L. Civ. R. 72.1(c)(2)(A), and the ten-day time period for filing such an objection has expired; accordingly, for the reasons stated in the September 11, 2009 Report and Recommendation; and for good cause shown,

IT IS on this 5th day of October 2009,

ORDERED that the Court approves and adopts the September 11, 2009 Report and Recommendation of the Honorable Lois H. Goodman, U.S.M.J.; and it is further

ORDERED that Defendants' Motion to Dismiss the Thorough and Efficient Clause (Count Five) and Law Against Discrimination (Count Six) claims of the Second Amended Complaint are hereby DENIED; and it is further

ORDERED that Defendants' Motion to Dismiss the Education Law Claims (Count Six of the proposed Second Amended Complaint) is DENIED as moot because, in an order of September 11, 2009, Plaintiffs were denied leave to add those claims.

/s/ Freda L. Wolfson
Freda L. Wolfson, U.S.D.J.